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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,351	11/25/2003	Harry George Yaworski	NC070-US2/5487-1421P	4728

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EXAMINER
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HAMMOND, BRIGGITTE R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/722,351	Applicant(s) YAWORSKI ET AL.	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 21 May 2005.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-7, 9-20, 23-27, 32, 33, 36-39 and 42-51 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 21, 22 and 33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32, 36-39, 42 and 43 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-7, 9-20, 23-26 and 45, 46-48 is/are rejected.
- 7) ☒ Claim(s) 2 and 49-51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,5-7,10,11,13-15, 17-20,23,24 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by King Jr. RE 37 340. Regarding claims 1 and 28, King Jr. discloses an electrical connector for use with a conductor, the electrical connector 10 comprising: a) a housing 11,12 defining a port 34, the port including: entrance and exit openings, and a conductor passage extending between and communicating with the entrance and exit openings, the conductor passage being adapted to receive the conductor therethrough (as shown in figs. 2 and 3); b) sealant 29 disposed in the conductor passage, the sealant being adapted for insertion of the conductor therethrough such that the sealant provides a seal about the inserted conductor; and c) a penetrable closure wall 26 extending across the conductor passage, wherein the closure wall tapers inwardly from the entrance to the exit opening as shown in figure 1.

Regarding claim 2, wherein the closure wall 26 is operative to retain the sealant in the passage

Regarding claim 5, wherein the closure wall includes a plurality of discrete flaps.

Regarding claim 6, wherein the closure wall defines a hole adapted to receive the conductor.

Regarding claim 7, wherein the hole has an inner diameter smaller than an outer diameter of the conductor.

Regarding claim 10, the closure wall is formed of a polymeric material (col. 8, line 5).

Regarding claim 11, at least a portion of the sealant is disposed in the conductor passage between the closure wall and the exit opening (as shown in fig. 3).

Regarding claim 13, the closure wall is integrally molded with the housing.

Regarding claim 14, King Jr. discloses an insert member 74 separately formed from the housing and positioned in the conductor passage, wherein the closure wall forms a part of the insert member.

Regarding claim 15, King Jr. discloses the housing includes a ledge 120 adapted to locate the insert member in the conductor passage.

Regarding claim 17, King Jr. discloses including a second penetrable closure wall 152 extending across the conductor passage such that the first and second closure walls define a sealing region therebetween, wherein at least a portion of the sealant is disposed in the sealing region.

Regarding claim 18, the first and second closure walls are operative to retain the sealant in the sealing region.

Regarding claim 19, King Jr. discloses an insert member 152 separately formed from the housing and positioned in the conductor passage, wherein the second closure walls forms a part of the insert member.

Regarding claim 20, the first closure wall 26 is integrally formed with the housing and the second closure wall 152 forms a part of the insert member.

Regarding claim 23, at least one of the closure walls includes a plurality of discrete flaps 26a.

Regarding claim 24, at least one of the closure walls defines a hole (see fig. 5) adapted to receive the conductor.

Regarding claim 45, King discloses a depressible gas (air).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashcraft 5,848,913 in view of King Jr. Ashcraft discloses an electrical connector for use with a conductor, the electrical connector comprising: a) a housing 12 defining first and second ports 44, 45 the ports including: entrance and exit openings, and conductor passages extending between and communicating with the entrance and exit openings, the conductor passages being adapted to receive the conductor therethrough (as shown in figs. 1 and 2), the electrical connector includes: an electrically conductive busbar

conductor member 13 disposed in the interior cavity, and at least one holding mechanism 28 to selectively secure each of the conductors to the busbar conductor member for electrical contact therewith. Ashcraft does not disclose sealant disposed in the conductor passage, the sealant being adapted for insertion of the conductor therethrough such that the sealant provides a seal about the inserted conductor; and c) a penetrable closure wall extending across the conductor passage. However, King, Jr. discloses an electrical connector having a sealant disposed in a conductor passage, the sealant being adapted for insertion of the conductor therethrough such that the sealant provides a seal about the inserted conductor; and c) a penetrable closure wall 26 extending across the conductor passage. It would have been obvious to one of ordinary skill in the art to modify the connector of Ashcraft by providing a sealant as an encapsulant and a penetrable closure wall to protect the sealant as taught by King.

Regarding claim 48, the closure wall tapers inwardly from the entrance to the exit opening as shown in figure 1.

Regarding claim 47, neither King nor Ashcroft disclose the sealant being a gel being adapted to be elongated and elastically deformed by insertion of the conductor into the conductor passage. However, King discloses the sealant could be any viscous sealant. Therefore, it would have been obvious to one of ordinary skill to modify the assembly of King and Ashcroft by providing the sealant as a gel to provide nonflowability to prevent the sealant from running out as taught by King, Jr.

Claims 9, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over King. Regarding claims 9, 37 and 38, King is silent regarding the thickness of the

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sleeve members. However, it would have been obvious to one of ordinary skill to make the sleeve members having a thickness of no more than 0.125 inch for compactness. Since a change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Claims 25,26 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over King Jr. in view of Debbaut 5,672,846. King does not disclose the sealant as being a gel. However, gel type sealants are well known in the art as evidenced by Debbaut. Debbaut discloses a gel sealant 12. Therefore, it would have been obvious to one of ordinary skill in the art to modify the connector of King by providing a gel sealant as a moisture seal as taught by Debbaut.

Regarding claims 26 and 44, the gel is adapted to be elongated and elastically deformed by insertion of the conductor into the conductor passage.

#### ***Allowable Subject Matter***

Claims 32,36-39,42,43 are allowed.

Claims 27 and 49-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 32 and 42, patentability resides, at least in part, in the connector comprising a sleeve member having a second penetrable closure wall, in combination with the other limitations of the base claim; regarding claim 49, the prior art does not disclose third and fourth closure walls.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed May 31, 2005 have been fully considered but they are not persuasive.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 22, 2005

Brigitte R. Hammond  
Primary Examiner

